

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:
 - a) a leg portion;
 - b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame;
 - c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;
 - d) wherein the leg portion extends from the rail portion toward the second side of the bed;
 - e) wherein the ~~wall~~ frame comprises a rigid component;
and
 - f) wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other such that the rail portion is drawable to and away from a position confronting the first side of the bed; and
 - g) a counter member engaged to the leg portion and adapted for engaging the second side of the bed to keep the rail portion hugging the first side of the bed;
 - h) wherein the frame further comprises an upper portion, a lower portion, and a pair of side portions, wherein the upper portion extends to and between the side portions, wherein the lower portion extends to and between the side portions, wherein the sheeting is engaged between the upper and lower portions and between the side portions,

wherein said rigid component of the frame comprises tubing running to and between the side portions of the frame and is disposed between the upper portion of the frame and the lower portion of the frame, and wherein said tubing is disposed in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface.

2. (currently amended) The bed rail according to claim 1, ~~wherein the wall comprises first and second rigid components~~ the upper portion of the frame comprises tubing and wherein the lower portion of the frame comprises tubing.

3. (currently amended) The bed rail according to claim 1, ~~wherein the frame includes an upper portion, a lower portion, and a pair of side portions, wherein the wall is engaged between the upper and lower portions and between the side portions, wherein said rigid component of the wall comprises tubing running to and between the side portions of the frame and being disposed between the upper portion of the frame and the lower portion of the frame, and wherein said tubing is locked in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface~~ in combination with said bed, with said bed having said sleeping surface, with said tubing being disposed in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface.

4. (currently amended) The bed rail according to claim 1, wherein the rail portion can be locked at ~~an~~ a fabricated predefined acute angle relative to the leg portion to minimize any gap between the rail portion and the first side of the bed.

5. (currently amended) The bed rail according to claim 1, ~~wherein the frame includes an upper portion, a lower portion, and a pair of side portions, and wherein the wall is engaged between the upper and lower portions and between the side portions, wherein said rigid component of the wall comprises tubing running to and between the side portions of the frame and being disposed between the upper portion of the frame and the lower portion of the frame, wherein said tubing is locked in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface,~~ wherein said rail portion can be locked disposed at an a fabricated predefined acute angle relative to the leg portion to minimize any gap between the rail portion and the first side of the bed such that said lower portion of the frame, said tubing of the frame, and said upper portion of the frame are disposed in a plane that intersects a plane defined by the first side of the bed.

6. (canceled).

7. (currently amended) A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:

- a) a leg portion;
- b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame;
- c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;
- d) wherein the leg portion extends from the rail portion toward the second side of the bed;

e) wherein the ~~wall~~ frame comprises tubing; and
f) wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other such that the rail portion is drawable to and away from a position confronting the first side of the bed;

g) a counter member engaged to the leg portion and adapted for engaging the second side of the bed to keep the rail portion hugging the first side of the bed; and

h) wherein the frame further comprises an upper portion, a lower portion, and a pair of side portions, wherein the upper portion extends to and between the side portions, wherein the lower portion extends to and between the side portions, wherein the sheeting is engaged between the upper and lower portions and between the side portions, wherein said tubing runs to and between the side portions of the frame and is disposed between the upper portion of the frame and the lower portion of the frame, and wherein said tubing is disposed in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface, and wherein said rail portion can be disposed at a fabricated predefined acute angle relative to the leg portion to minimize any gap between the rail portion and the first side of the bed such that said lower portion of the frame, said tubing, and said upper portion of the frame are disposed in a plane that intersects a plane defined by the first side of the bed.

8. (currently amended) The bed rail according to claim 7, ~~wherein the frame includes an upper portion, a lower portion, and a pair of side portions, wherein the wall is engaged between the upper and lower portions and between the side portions, wherein said tubing runs to and between the side portions of the frame and is disposed between the upper~~

~~portion of the frame and the lower portion of the frame, and wherein said tubing is locked in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface in combination with said bed, with said bed having said sleeping surface, with said tubing being disposed in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface.~~

9. (canceled).

10. (canceled).

11. (canceled).

12. (currently amended) A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:

a) a leg portion;

b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other, wherein the rail portion can be ~~locked~~ disposed at an a fabricated predefined acute angle relative to the leg portion to minimize any gap between the rail portion and the first side of the bed, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame, wherein the frame includes an upper portion, a lower portion, and a pair of side portions, and wherein the ~~wall~~ sheeting is engaged between the upper and lower portions and between the side portions;

c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;

- d) wherein the leg portion extends from the rail portion toward the second side of the bed; and
- e) wherein the ~~wall~~ frame comprises tubing.

13. (original) The bed rail according to claim 12, and further comprising a counter member engaged to the leg portion and adapted for engaging the second side of the bed to keep the rail portion hugging the first side of the bed.

14. (canceled).

15. (currently amended) A bed and bed rail combination, with the bed rail adapted for engagement to [[a]] the bed, with the bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:

- a) a leg portion;
- b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame, with the frame including side portions, with the frame including an upper portion and a lower portion, and with each of the upper and lower portions running to and between the side portions of the frame;
- c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;
- d) wherein the leg portion extends from the rail portion toward the second side of the bed;
- e) wherein the ~~wall~~ frame comprises tubing running to and between the side portions of the frame, with the tubing being disposed between the upper portion and lower portion of the frame; and

f) wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other such that the rail portion is drawable to and away from a position confronting the first side of the bed; and

g) wherein said tubing is disposed in one of i) a plane of the sleeping surface and ii) relatively closely to a plane of the sleeping surface.

16. (currently amended) The bed rail according to claim 15, ~~wherein the sleeping surface is disposed generally in a plane, wherein said tubing lies in said plane such that the wall is made rigid where a planar gap may otherwise form~~ wherein said tubing is disposed in the plane of the sleeping surface.

17. (currently amended) The bed rail according to claim 15, ~~wherein the sleeping surface is disposed generally in a plane, wherein said tubing, which runs to and between said side portions of the frame, lies relatively closely to said plane~~ wherein said tubing is disposed relatively closely to the plane of the sleeping surface.

18. (original) The bed rail according to claim 15, wherein the tubing comprises a first tube, with the first tube comprising a pair of tube sections, with each of the tube sections engaging one of the side portions of the frame, and with the tube sections engagable to and disengagable from each other such that, when broken down, the tube sections lend a more compact form to the bed rail.

19. (canceled).

20. (canceled).

21. (canceled).

22. (canceled).

23. (canceled).

24. (currently amended) The bed rail according to claim 15, ~~wherein the wall of the rail portion includes sheeting as well as tubing,~~ wherein said sheeting includes a sleeve for said tubing.

25. (currently amended) ~~The bed rail according to claim 15, and further comprising~~ A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:

a) a leg portion;

b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion includes a frame and sheeting engaged to the frame, with the frame including side portions;

c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;

d) wherein the leg portion extends from the rail portion toward the second side of the bed;

e) wherein the frame comprises tubing running to and between the side portions of the frame;

f) wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other such that the rail portion is drawable to and away from a position confronting the first side of the bed;

g) a first quick connect between said tubing and said side portion of the frame such that the bed rail can be readily set up for operation and readily broken down for storage; and

h) a second quick connect between said tubing and said side portion of the frame, with said second quick connect being connectable to different portions of said side portion along a height of said side portion such that said tubing is adjustable in height for sleeping surfaces of different heights.

26. (canceled).

27. (currently amended) A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface, wherein the bed rail comprises:

a) a leg portion;

b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion is swingably engaged to the leg portion such that the rail portion and leg portion may be swung together to lend a compact form to the bed rail, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame, with the frame including side portions, with the frame further including an upper portion extending to and between the side portions and a lower portion extending to and between the side portions;

c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;

d) wherein the leg portion extends from the rail portion toward the second side of the bed; and

e) wherein the ~~wall~~ frame further comprises a rigid component comprising tubing running to and between the side portions of the frame and being disposed between the upper and lower portions, wherein the sleeping surface is disposed generally in a plane, wherein said rigid component ~~lies~~ is disposed in one of said plane and relatively close to said plane such that the ~~wall~~ frame is made rigid where a planar gap may otherwise form; and

f) wherein the frame includes a quick connect between said rigid component and said side portion of the frame such that said rigid component can be readily set up and readily broken down.

28. (currently amended) A bed rail adapted for engagement to a bed having a first side, a second side, and a sleeping surface defining a plane, wherein the bed rail comprises:

a) a leg portion;

b) a rail portion engaged to the leg portion and confronting the first side of the bed, wherein the rail portion includes a frame and ~~a wall~~ sheeting engaged to the frame, with the frame including side portions, with the frame further including an upper portion extending to and between the side portions and a lower portion extending to and between the side portions;

c) wherein the rail portion extends from the leg portion to and beyond the sleeping surface to prevent a person on the sleeping surface from rolling off the bed;

d) wherein the leg portion extends from the rail portion toward the second side of the bed;

e) wherein the ~~wall is rigid~~ frame further includes tubing between the upper and lower portions, with the tubing extending to and between the side portions and being

disposed at one of the plane of the sleeping surface and relatively close to the plane of the sleeping surface; and

f) wherein the rail portion and the leg portion can be relatively drawn to each other and away from each other such that the rail portion is drawable to and away from a position confronting the first side of the bed; and

g) wherein the frame includes a quick connect between said tubing and said side portion of the frame, with said quick connect being connectable to different portions of said side portion along a height of said side portion such that said tubing is adjustable in height for sleeping surfaces of different heights.